

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 5, 2002
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Kevin Clark, Inter-Faith Ministries, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of January 15, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

"FAIR FARES"	The Sedgwick County Commission presented \$75,000 for "Fair Fares"
YOUTH SERVICE	Wichita's Promise – Youth Community Service Awards were presented.
OLYMPIC TORCH	Olympic Torch Relay Sponsors were recognized.
PROCLAMATIONS	Proclamations previously approved were presented.

NEW BUSINESS

PAVE JOANN **PETITION TO PAVE JOANN FROM CENTRAL TO ZOO BOULEVARD.** (District VI)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 02-0083

The signatures on the Petition represent 20 of 50 (38.4%) resident owners and 51.1% of the improvement district area. The project was discussed by the District VI Advisory Board on January 7, 2002. The Board voted 8-1 to recommend approval.

This portion of Joann is an unimproved sand road that provides access to a mixed-use area.

The project budget contained in the Petition is \$185,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.44 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --
-- carried

Fearey moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

RESOLUTION NO. 02-068

Resolution of findings of advisability and Resolution authorizing improving of the Joann from the north line of Central to the south line of Zoo Boulevard, 472-83478, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE ST. CLAIR

PETITION TO PAVE ST. CLAIR, NORTH OF 54TH STREET NORTH. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-0084

The signatures on the Petition represent 25 of 32 (78.1%) resident owners and 71.4% of the improvement district area. The project was discussed by the District VI Advisory Board on January 7, 2002. The Board voted 9-0 to recommend approval.

This portion of St. Clair is an unimproved sand road that provides access to a residential area.

The project budget contained in the Petition is \$172,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.24 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

RESOLUTION NO. 02-069

Resolution of findings of advisability and Resolution authorizing improving St. Clair, from the north line of 54th Street North to the south line of vacated 57th Street North, 472-83474, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WELLINGTON PL.

PETITION TO PAVE WELLINGTON PLACE, FROM 27TH TO 29TH STREET NORTH. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-0085

The signatures on the Petition represent 10 of 30 (33.3%) resident owners and 57.75% of the improvement district area. The project was discussed by the District VI Advisory Board on January 7, 2002. The Board voted 8-1 to recommend approval. Letters have been received from four property owners requesting that their signatures be removed from the Petition. If accepted by the City Council, the remaining signatures would represent 17.1 percent of the area.

This portion of Wellington Place is an unimproved sand road that provides access to a mixed-use area.

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The project budget contained in the Petition is \$200,000 with \$185,600 assessed to the improvement district and \$14,400 paid by the City. The City share is for the cost of intersection paving. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.52 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district. State Statutes provide that signatures may not be withdrawn from the Petition later than seven days after the Petition is filed with the City Clerk.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

RESOLUTION NO. 02-070

Resolution of findings of advisability and Resolution authorizing improving Wellington Place from the north line of 27th Street North to the south line of 29th Street North, 472-83481, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE PARK PLACE

PETITION TO PAVE PARK PLACE, FROM 27TH TO 28TH STREET NORTH. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-0086

The signatures on the Petition represent 11 of 20 (55%) resident owners and 56.4% of the improvement district area. The project was discussed by the District VI Advisory Board on January 7, 2002. The Board voted 9-0 to recommend approval.

This portion of Park Place is an unimproved sand road that provides access to a mixed-use area.

The project budget contained in the Petition is \$123,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.66 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

RESOLUTION NO. 02-071

Resolution of findings of advisability and Resolution authorizing improving Park Place from the north line of 27th Street North to the south line of 28th Street North, 472-83479, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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PAVE 28TH ST. NORTH PETITION TO PAVE 28TH STREET NORTH FROM FAIRVIEW TO PARK PLACE. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-0087

The signatures on the Petition represent 10 of 32 (31.2%) resident owners and 57.8% of the improvement district area. The project was discussed by the District VI Advisory Board on January 7, 2002. The Board voted 8-1 to recommend approval. Letters have been received from four property owners requesting that their signatures be removed from the Petition. If accepted by the City Council, the remaining signatures would represent 13.9 percent of the area.

This portion of 28th Street North is an unimproved sand road that provides access to a mixed-use area.

The project budget contained in the Petition is \$80,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.24 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district. Signatures may not be withdrawn from the Petition later than seven days after the Petition is filed with the City Clerk.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Fearey moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

RESOLUTION NO. 02-072

Resolution of findings of advisability and Resolution authorizing improving 28th Street North from the east line of Fairview to the west line of Wellington Place and from the east line of Wellington Place to the west line of Park Place, 472-83480, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

2002-2011 CIP

PROPOSED 2002 – 2011 CAPITAL IMPROVEMENT PROGRAM.

Matt Jordan

Assistant to the City Manager reviewed the Item.

Agenda Report No. 02-0088

The proposed 2002-2011 Capital Improvement Program (CIP) was prepared by the CIP Administrative Committee and recently presented to the District Advisory Boards for review. The Metropolitan Area Planning Commission (MAPC) has since adopted it. As in years past, this proposal reflects revised revenue estimates, updated cost figures, and continues the commitment to City Council and community priorities.

The proposed capital program responds to (and anticipates) community needs, uses City funds to maximize other revenue sources - - particularly Federal and State grants - - and maximizes the number and scope of capital investments in the City's infrastructure. Public comment was crucial to the creation of this comprehensive program, including input from District Advisory Boards and the MAPC.

The proposed CIP totals more than \$1.6 billion over ten years; major projects include the Kellogg freeway expansion and major infrastructure improvements such as: new and reconstructed roadways, intersections, bridges, and sidewalks; improvements to parks and public facilities; continued emphasis

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on downtown development and implementation of primary tourism development initiatives; water and sewer system improvements; and, public transportation system and airport investments.

Increasing costs for East Kellogg interchange improvements, in addition to possible reductions in funding from the State of Kansas, have impacted the City's ability to complete several major projects as scheduled in previous capital programs. Updated construction figures for Kellogg/Rock and Kellogg/Woodlawn constitute a \$44 million increase as a result of additional construction and right-of-way purchase costs. The decision to match Federal, State, and Railroad grants with local sources for the Elevated Rail project adds another \$32 million in costs to the Local Sales Tax fund. In addition, recent proposals at the State level could, if approved by the Legislature, reduce funding to local governments from the 1999 Comprehensive Transportation Program. If such reductions are adopted, it would require the City to reconsider this program later this year. Steps must be taken to ensure these sources are maintain in order to preserve the ability to finance projects as planned. The City anticipates receiving \$46 million from the State for the Elevated Rail project. Due to the current economic conditions and possible reductions in funding assistance, along with increasing costs of construction, greater pressure is being placed on the City's ability to fully fund all of the programmed improvements.

Revised freeway construction schedules call for the completion of interchanges at Tyler and Maize in West Wichita and Woodlawn/Rock Road in East Wichita by 2005, as previously scheduled. In addition, funding for partial design of the Webb interchange and funding to purchase right-of-way for six-lane freeway expansion through Greenwich are included. In addition to these projects, the Central Rail Corridor is funded at \$114 million, which includes \$32 million from the Local Sales Tax, through 2005. Moreover, the Floodway Bridge is scheduled for construction in 2006/2007. However, should the State reduce its previously committed transportation funding for Kellogg, there will be a diminished ability to fully finance these improvements. Should this occur, reprioritizing some future projects will be required.

This proposed Capital Improvement Program is funded from several sources: the property tax (10 mills) comprises 17 percent of resources; Local sales tax (LST) revenues fund 15 percent of the capital program; while enterprise revenues fund 35 percent. State and federal funding, much of it leveraged with local matching funds, totals 22 percent of total resources. Finally, special assessments and other sources (such as County and public-private partnerships) fund 8 percent and 3 percent, respectively.

It is proposed that the City Council authorize the 2002 and 2003 capital programs as part of the capital budgets for the next two years, allowing design to commence on the scheduled projects and grant applications to be filed for project financial support.

The 2002-2011 program contains projects totaling an estimated \$1.6 billion. The 2002 capital budget contains \$299 million, and \$281 million is included in the 2003 capital budget.

The proposed CIP conforms with the existing City's fiscal policies. Implementation of the program should allow the City to maintain its favorable general obligation bond ratings by Moody's and Standard & Poors.

As mandated by Ordinance 39-196, one-half of the revenue received from the City's portion of a one percent countywide sales tax is pledged for road, bridge, and highway projects, including right-of-way acquisition and project design and construction.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the 2002-2011 Capital Improvement Program be approved; and initiation of all projects scheduled for 2002 and 2003, with appropriate design solicitation and filing of applications for available state and federal project support be authorized.

Subst. Motion --

Martz moved a substitute motion that the River Corridor Project for years 2002, 2003, and 2004, be rolled over to years 2006, 2007, and 2008, to make funding available for the Railroad Corridor or Kellogg.

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Ray Trail

Director of Finance explained that the City Council could approve the CIP in its entirety. The first two years as capital budget. Years 2004 plus are capital plan forecast. During the first two years, each item comes back to City Council for approval, consideration, and hearings. The CIP is authority for Staff to begin work on each item.

-- failed

Substitute motion failed 4 to 3. Brewer, Fearey, Pisciotte, Knight – No.

-- carried

Motion carried 7 to 0.

RAIL CORRIDOR

DESIGN SERVICES: ELEVATED RAIL CORRIDOR PROJECT. (District VI)

Steve Lackey

Public Works Director reviewed the Item.

Agenda Report No. 02-0089

In May, 1999, the City entered into agreements with the HNTB consulting firm to provide preliminary design for the proposed Elevated Rail Corridor. This initial design has been completed - - representing thirty (30%) of the necessary preliminary design work. This initial engineering work estimate costs for the project, identifies the necessary rights-of-way and access requirements/impacts, and addresses the Railroad Companies' operational issues. The project is now ready for City Council consideration/approval to proceed with final plans and design necessary for bidding the project.

The proposed project provides for the handling of the Union Pacific and Burlington Northern Railroads to share a mainline corridor and to provide for grade separations: Pawnee (UP), Central, Murdock and 13th Streets. Reconstruction of the existing bridges over Douglas and 1st and 2nd streets will also be included in the project. In addition to these grade separations, five-six (existing) street crossings are proposed for closure because of safety, noise, and traffic disruption concerns. The estimated cost of the proposed project is \$113,724,000.

The importance of this project to the City and its transportation system cannot be overstated. In August, 1996, the federal Surface Transportation Board approved the merger of the Union Pacific and the Southern Pacific Railroads. As a result of this merger, the Union Pacific proposed to increase the number (and length) of through trains in the City. This increased train traffic does not include the number of Burlington Northern Santa Fe and Short-Line railroad trains that also operate within Wichita. Following the merger approvals and recognizing the impact on the community, the Surface Transportation Board commissioned a mitigation study to address the important environmental effects (including the impact on air quality) of the increased rail traffic. Findings from this study presented two tiers of mitigation measures. One of findings included grade separations and allowance of increased speed of trains (through the City).

Because of the impact on the environment and the safety issues involved, the City Council initiated studies to carry-out an elevated rail project that would eliminate the important at-grade crossings and close some of the other crossings where significant safety issues exist with the frequency and number of increased trains, and the resulting impacts on traffic congestion and safety, noise and air quality. Delay in addressing this major construction challenge will further diminish quality of life in Wichita and increase the costs, not including the significant impact on safety and air quality.

A Supplemental Agreement has been negotiated with HNTB to complete construction plans/designs for the project. This Agreement proposes utilizing a design-build project by using qualified and experienced contractors (as part of the design team) along with participation from the UPRR and BNSF. Non-traditional methods such as design-build-bid appear to be an acceptable method to achieve the best possible cost for this major project.

The engineering and design work for this major project totals \$4,236,275. Under the proposal, the City will make engineering and design payments to the consultants, and will be reimbursed from funds provided by TEA 21 (Federal Funds). Funding sources for the project will be from TEA 21 (Federal); State System Enhancement funding; and Union Pacific Railroad allocations. Additional funding will be required to complete the funds necessary for the total improvement, as outlined. These funds can be

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allocated from projects as outlined in the previously submitted Elevated Rail Corridor Project Position Paper.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Knight moved that the project and Supplemental Agreement be approved; and the design-build-bid method for construction and necessary signatures be authorized. Motion carried 7 to 0.

CENTRAL/HILLSIDE DEVELOPMENT AGREEMENT FOR THE CENTRAL AND HILLSIDE REDEVELOPMENT PROJECT. (Districts I and II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-0090

On December 11, 2002, the City Council adopted a redevelopment project plan for the Central and Hillside Redevelopment District. The Project Plan calls for the City to work with Starr Holdings, LLC (the "Developer") to redevelop the project area, which is bounded by Central Avenue, Hillside Avenue, Third Street and Rutan Avenue. The adoption of the Project Plan is part of the statutory process required for the City's use of tax increment financing to finance certain parts of the redevelopment project. In order to facilitate the implementation of the project, the City and Starr Holdings have negotiated a development agreement that sets forth the duties and responsibilities of the two parties.

Under the terms of the Development Agreement, the Project consists of the following:

- Demolition of all existing structures located on the Project site,
- Sale and disposition of various parcels of land to various parties,
- Construction of stormwater drainage structures and other infrastructure,
- Construction of a hotel, a Walgreen's drug store and a strip shopping center, and
- Associated paving, fencing and landscaping.

In the Agreement, the City agrees to purchase a 1.7-acre parcel for the hotel site, which will be leased to Wesley Inn LLC (the hotel developer) under a 50-year lease that was approved by the City Council on January 15, 2002. The acquisition price of the hotel site is \$750,000. The City also agrees to pay one-fourth of the cost of demolishing the 8-story building located at 3333 E. Central, up to a maximum City contribution of \$150,000. The Developer's portion of the demolition costs will be paid into escrow from the proceeds of the sale of the hotel site. In addition, the City agrees to construct an enclosed stormwater drainage system on the Project site, at an estimated cost of \$400,000. The City will also provide \$70,000 for various landscaping, fencing and infrastructure costs.

Under the terms of the Agreement, the Developer is responsible for the lease of a 1.3-acre parcel located at the corner of Central and Hillside to Walgreen's for development of a drug store, and the sale of a 2-acre parcel located at Hillside and Third, to a related entity for development of the strip center. The Developer is also responsible for the demolition of the existing buildings and the construction of a private access road that runs across the interior of the Project site, from Hillside to Rutan.

The hotel site includes a 6,000 square-foot tract that is leased by the Developer from a third party owner, under a long term lease with 58 years remaining. Under the Development Agreement, the Developer agrees to maintain its leasehold interest (and pay the land rent) for the remaining term or until it is able to purchase the tract. If the tract is purchased by the Developer, the City has a right of first refusal to purchase it at the Developer's cost and incorporate it into the hotel developer's land lease. In the meantime, the Developer agrees to provide the City an access and parking easement on the tract, which the City will assign to the hotel developer.

The City's total estimated costs of \$1,370,000 will be financed with full faith and credit tax increment financing bonds.

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The Development Agreement has been approved as to form by the Law Department. A resolution authorizing the construction of the storm sewer has already been approved by the City Council. A resolution authorizing the purchase of the hotel site, contribution to the demolition costs and reimbursement of site costs, as set forth in the Development Agreement.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Brewer moved that the Agreement be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-073

A Resolution authorizing the issuance of Full Faith and Credit Tax Increment Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of acquiring of real property, demolition of existing structures, and construction of a signalized pedestrian crosswalk, paving, fencing, landscaping and site improvements at the Central and Hillside Redevelopment Project Area, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BARRIER WALLS

CONSTRUCTION AND PLACEMENT OF BARRIER WALLS POLICY.

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 02-0091

In 2001, the City received a neighborhood request to finance and construct a screening wall in the vicinity of Central and Ridge Road. No action on this request was taken because of existing City policy and the expense of constructing walls along highways/freeways of the City. Likewise, the Kansas Department of Transportation (KDOT) will not contribute toward sound barrier walls outside of a highway or freeway system where noise levels would be adversely impacted. Inasmuch as this project involves State funding, the wall was determined to be a non-eligible project. Residents requested that KDOT review its policy and conduct a sound study to determine if warrants will be exceeded in this area as a result of the widening project. The study concluded that any proposed walls in this area, as requested, would have only a minor impact on the existing noise levels.

With the exception of one urban freeway project (Kellogg), masonry-screening walls in Wichita have been installed solely by developers and property owners at their own expense. If such walls were designed with arterial CIP projects, construction costs would increase and allowances would need to be made for the installation and maintenance of utilities. Additional right-of-way would be required in many cases to accommodate the walls. In the area along Central between Woodchuck and Country Acres, existing infrastructure inhibits placement of such a wall. Construction of a wall along the right-of-way line, or within the utility easement, raises concerns about existing trees and maintenance of telephone and sanitary sewer lines. Placement of a wall on private property reduces these concerns, but further decreases backyard areas.

The elements of the proposed policy are:

1. Screening or barrier walls will not be constructed at City expense, (except for highway and freeway projects).
2. When barrier or screening walls are desired by the neighborhood, developers and property owners will be encouraged to build and maintain such facilities (i.e. fences, brick or concrete walls, and landscaping).
3. The City of Wichita will, as part of its arterial street construction projects, continue to landscape medians and plant trees in public right-of-ways to provide for environmental benefits.

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The current Capital Improvement Program (2001-2010) includes over 40 miles of arterial street improvements adjacent to residential areas, similar to those at Central, west of Ridge. If sound barrier walls were to be incorporated into these projects, the cost would be in excess of a \$1.0 million per mile, or \$40 million additional funding in the City's ten-year capital plan.

Since there are insufficient resources in this plan to fund additional projects, if the City were to change its policy and finance construction of sound barrier walls along arterial streets, a third of the arterial street projects would have to be eliminated from the Capital Improvement Program.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Resolution establishing policy regarding construction and placement of barrier walls be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-074

A Resolution establishing policy regarding construction and placement of barrier walls, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

KDOT

NORTHWEST BYPASS RESOLUTION.

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 02-0092

In 1999, a Major Investment Study (MIS) study was completed to identify and evaluate potential transportation improvements in the northwest portion of the Wichita metropolitan area and to determine the need for (and feasibility of), a new transportation corridor between Kellogg/US 54 and K-96. The Kansas Department of Transportation (KDOT) has yet to determine a specific location for the Bypass, but it is anticipated that it will intersect Kellogg/US 54 in vicinity of 167th Street west and 183rd Street west and proceed north/northeast to K-96 and Tyler Road.

The northwest quadrant of the Wichita metropolitan area is, and will continue to experience increasing growth. The City's recent action to construct a new sewage treatment facility in this vicinity is further evidence of increasing development in this area. The construction of a freeway will accommodate growth and development in this quadrant of the community. Additionally, a new Bypass will improve access to business and residential development served by Kellogg/US 54 and K-96 further increasing economic development opportunities.

The Kansas Department of Transportation is evaluating the specific route for this corridor and will conduct a series of public meetings. City staff recommends supporting finalization of the corridor so that necessary rights-of-way can be preserved. Staff also recommends that the designation of the corridor should be independent of the Goddard Bypass study (under consideration) so that critical corridor preservation actions will not be unduly delayed. Finally, the selected corridor should not result in re-designation of Kellogg/US 54 from Kellogg to the Bypass.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Martz moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-075

A Resolution establishing support for the Northwest Bypass, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-0093

On December 18, 2001 a report was submitted with respect to the dangerous and unsafe conditions on three (3) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m., or as soon thereafter, on February 5, 2002.

On December 3, 2001, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address	Council District
1. 2223 East Shadybrook	I
2. 131 West 26th North	VI
3. 1438 South Main	I

Pursuant to State Statute the Resolutions were duly published twice on December 19, 2001 and December 26, 2001. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

1. 2223 East Shadybrook

Motion --

Brewer moved that the public hearing be closed, the Resolution declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; that 14 days be given to pay the taxes current; if the taxes are not paid current within the 14 days, the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) the structure(s) has/have been secured as February 5, 2002, and will continue to be kept secured, and (2) the premises are mowed and free of debris as of February 5, 2002, and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-076

Resolution finding that the structure described as: Lot 5, Block 4, Builders First Addition, Sedgwick County, Kansas, thence north on the Section Line 187 feet, thence east, to Wichita, Sedgwick County, Kansas, commonly known as 2223 East Shadybrook, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

2. 131 West 26th Street North

Motion --

Fearey moved that the public hearing be closed, the Resolution declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as February 5, 2002, (2) the structure(s) has/have been secured as February 5, 2002, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of February 5, 2002, and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

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RESOLUTION NO. 02-077

Resolution finding that the structure described as: Lots 41 and 42, North Lawn Addition, Sedgwick County, Kansas, thence north on the Section Line 187 feet, thence east, to Wichita, Sedgwick County, Kansas, commonly known as 131 West 26th North, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

3. 1438 South Main

Motion --

Brewer moved that the public hearing be closed, the Resolutions declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as February 5, 2002, (2) the structure(s) has/have been secured as February 5, 2002, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of February 5, 2002, and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-078

Resolution finding that the structure described as: Addition Sedgwick County, Kansas, thence north on the Section Line 187 feet, thence east, to Wichita, Sedgwick County, Kansas, commonly known as 1438 South Main, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL AGENDA

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER GALE AND SPOUSE FOR OFFICIAL VISIT TO TLALNEPANTLA, MEXICO, FEBRUARY 14- 20, 2002.

Motion -- carried

Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

APPOINTMENTS

BOARD APPOINTMENTS:

Motion --

-- carried

Pisciotte appointed Darrell Bunch to the Plumbers and Appeals Board and moved that the appointments be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, included Addendum Item #24e, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 4, 2002.

Bids were opened January 18, January 25, and February 1, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

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2002 wheelchair ramp and sidewalk - Phase 2 - north of Kellogg, east of Seneca. (472-83437/706828/202294) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI)

McFadden Construction - \$182,000.00 (Engineer's estimate)

2001 sanitary sewer reconstruction Phase 7 - north of Central at I-135. (468-83338/620326/661450) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Wildcat Construction - \$124,600.00

2001 Planeview Sanitary Sewer Reconstruction Phase 4 to serve Planeview Addition - north of 31st Street South, east of Hillside. (468-83366/622236 /641344) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$170,231.00

24-inch sanitary sewer relocation at the MTA Facility - west of McLean Boulevard, south of Harry. (468-83367/633739/751202) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

WB Carter Construction - \$89,931.00

Lateral 326, Four Mile Creek Sewer to serve Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (468-83373/743900/480588) Does not affect existing traffic. (District V)

Mies Construction - \$77,730.00

Water distribution system to serve Pine Meadow & Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (448-89641/735037 /470707) Does not affect existing traffic; AND Water distribution system to serve Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (448-89642/735038/470708) Does not affect existing traffic. (District II)

\$55,969.00 (Aggregate total)

Storm Water Sewer 539 to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (468-83124/751304/485195) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$27,335.00

Lateral 80, Main 22, War Industry Sewer to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (468-83076/743891 /480579) Does not affect existing traffic; AND Lateral 81, Main 22, War Industry Sewer to serve Wilson Farms Second Addition (south of 21st Street North, west of Webb) (468-83123/743892/480580) Does not affect existing traffic. (District II)

Wildcat Construction - \$57,784.70 (Aggregate total)

Lateral 23, Cowskin Interceptor Sewer to serve Highland Spring Second Addition - south of Central, west of 135th Street West. (468-83028/743902 /480590) Does not affect existing traffic. (District V)

K C Excavating - \$83,079.00

Lateral 481, Southwest Interceptor Sewer to serve Legacy Addition - west of Meridian, north of 47th Street South. (468-83350/743899/480587) Does not affect existing traffic. (District IV)

H D Mills & Sons - \$26,666.75

Water distribution system to serve Legacy Addition - west of Meridian, north of 47th Street South) (448-89630/735034/470704) Does not affect existing traffic. (District IV)

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H D Mills Sons - \$20,391.00

2002 contract maintenance bridge deck resurfacing of the west-bound Lanes on the Central Street Bridge over the Big Ditch - east of Ridge Road on Central (472-83470/132712/) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Wildcat Construction - \$118,327.00 (Base bid with Alternate 1)

2002 contract maintenance ultrathin asphalt overlay - north of 31st Street South, east of Seneca. (472-83471/132712/620333/662456) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV and VI)

Ritchie Paving - \$214,200.00 (Engineer's estimate)

2002 contract maintenance heater scarification and overlay - north of 47th Street South, east of Broadway - (472-83472/132712/620333/662456) Traffic to be maintained during construction using flagpersons and barricades. (District I, III & VI)

Cutler Paving Inc. - \$337,400.00 (Engineer's estimate)

2002 sanitary sewer rehabilitation, Phase A (various locations) (east of Hoover, north of Harry) (468-88378/620331/662454) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, V, and VI)

Garver Construction - \$142,980.00

2002 Sanitary Sewer Reconstruction Phase 1 (Various Locations) - north of Pawnee, east of Hydraulic) (468-83379/620332/662455) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III)

WB Carter Construction - \$126,000.00

Lateral 140, Main 4, Sanitary Sewer #23 to serve Timmermeyer Gardens Addition (east of Hood, north of 31st Street North) (468-83267/743874/480562) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Wichita Excavation - \$15,575.00

Lateral 41, Main 21, Sanitary Sewer 22 to serve Womer Plaza Addition, Cherokee Sunrise West, etc. - west of Womer, north of 33rd Street North. (468-83362/743904/480592) Does not affect existing traffic. (District VI)

Utility Contractors - \$64,963.50

Lateral 300, Four Mile Creek Sewer to serve Cedar View Second Addition - east of Greenwich, north of Lincoln. (468-83222/743901/480589) Does not affect existing traffic. (District II)

K C Excavating - \$42,092.00

Storm Water Sewer 547 to serve Cedar View Second Addition - east of Greenwich, north of Lincoln. (468-83194/751307/485198) Does not affect existing traffic. (District II)

Nowak Construction - \$91,890.50

Water distribution system to serve Cedar View Second Addition - east of Greenwich, north of Lincoln. (448-89527/735035/470705) Does not affect existing traffic. (District II)

McCullough Excavation - \$30,808.64

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Water distribution system to serve Equestrian Estates - south of Harry, east of 127th Street East. (448-89613/735032/470702) Does not affect existing traffic. (District II)

McCullough Excavation - \$84,174.60

Water distribution system to serve Highland Spring Second Addition (south of Central, west of 135th Street West) (448-89427/735039/470709) Does not affect existing traffic. (District V)

McCullough Excavation - \$55,535.05

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PARK DEPARTMENT/RECREATION DIVISION: Irrigation System for 33rd Street and Ohio Adult Soccer Field Complex. (602034)

Reddi Irrigation - \$16,223.56 (Total net bid)
\$ 940.00 (Add for swing joint assembly)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Calcium Chloride Pellets 94-97%, 80# Bags. (132209)

Vopak USA - \$10.98 (Price per bag)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Electronic Display Sign. (132225)

Addco Corporation - \$26,870.00 (Total net bid)
\$ 1,200.00 (Add for Option 1)
\$ 1,725.00 (Add for Option 2)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Sanitary Sewer and Water Line Extensions. (500960)

Wildcat Construction Co. Inc. - \$132,037.00 (Total net bid)

AIRPORT DEPARTMENT/ENGINEER DIVISION: Modifications to HVAC Systems at Flight Standards District Office Building and FAA Automated Flight Service Station. (500990)

Professional Mechanical Contractors, Inc. - \$251,000.00* (Total net bid)
*Tie bid/broken by coin toss

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Carpet Replacement at Wichita Mid-Continent Terminal Concourse. (500421)

Stuart & Goseland Contract Flooring, Inc. - \$127,500.00 (Total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Miscellaneous Air, Fuel and Oil Filters. (130849)

Federal Warehouse - 61%* (Percent discount)
*Escalating

FIRE DEPARTMENT: Heavy Rescue Truck. (792346)

Pierce Manufacturing - \$452,240.00 (Total net base bid/Item 1)

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Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
Mike Bidwell	Dillons Store #12	9450 East Harry
Mike Bidwell	Dillons Store #16	8828 West 13th Street North
Mike Bidwell	Dillons Store #20	7707 East Central
Mike Bidwell	Dillons Store #21	5500 East Harry
Mike Bidwell	Dillons Store #26	1227 South Hydraulic
Mike Bidwell	Dillons Store #30	2525 West Douglas
Mike Bidwell	Dillons Store #31	1640 South Broadway
Mike Bidwell	Dillons Store #33	4747 South Broadway
Mike Bidwell	Dillons Store #34	3932 West 13th Street
Mike Bidwell	Dillons Store #35	6297 East 13th Street
Mike Bidwell	Dillons Store #42	4801 East Central
Mike Bidwell	Dillons Store #49	10222 West 21st Street
Mike Bidwell	Dillons Store #62	1435 North Waco
Mike Bidwell	Dillons Store #65	3211 South Seneca
Mike Bidwell	Dillons Store #66	2244 North Rock Road
Mike Bidwell	Dillons Store #72	10515 West Central
Dwayne Kahns	Sunrise Amoco	6327 East 13th Street
Chris Salove	Albertson's #2212	8714 West 13th Street
Chris Salove	Albertson's #2213	1607 South Georgetown
Chris Salove	Albertson's #2214	3137 South Seneca
Chris Salove	Albertson's #2250	1910 West 21st Street North
Vernon J. Blasi	Blasi Tire Center, Inc.	11209 West 54 HWY

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the License Applications be approved subject to Staff review and approval. Motion
-- carried carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY EST. PRELIMINARY ESTIMATE:

a) 2002 condemned sidewalk and wheelchair ramps - north of 55th Street South, east of 135th Street West. (472-83451/132100/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V& VI) - \$161,580.00

Motion -- carried Knight moved that the Preliminary Estimate be received and filed. Motion carried 7 to 0.

SANITARY SEWER PETITION TO CONSTRUCT A SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE FAMILY GOLF CENTER ADDITION – NORTH OF CENTRAL, EAST OF WEBB. (District II)

Agenda Report No. 02-0094

The Petitions have been signed by one owner, representing 100% of the improvement districts.

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The projects will extend sanitary sewer and water service to an amusement park.

The Petitions total \$37,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved, the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-079

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89633 (north of Central, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-080

Resolution of findings of advisability and Resolution authorizing construction of Lateral 154, War Industries Sewer, (north of Central, east of Webb) 468-83369, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE BOOHER SECOND ADDITION – WEST OF SENECA, SOUTH OF 55TH STREET SOUTH. (District IV)

Agenda Report No. 02-0095

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new duplex residence.

The Petition totals \$44,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved, the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-081

Resolution of findings of advisability and Resolution authorizing improving of Lateral 480, Southwest Interceptor Sewer (west of Seneca, south of 55th Street South) 468-83365, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE HORSESHOE LAKE ADDITION – NORTH OF 21ST, EAST OF RIDGE. (District V)

Agenda Report No. 02-0096

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new commercial development.

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The Petition totals \$42,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved, the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-082

Resolution of findings of advisability and Resolution authorizing improving of Lateral 10, Main 16, Southwest Interceptor Sewer (north of 21st Street, east of Ridge) 468-83396, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE SAMRA SECOND ADDITION - NORTH OF CENTRAL, WEST OF GREENWICH. (District II)

Agenda Report No. 02-0097

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new commercial development.

The Petition totals \$77,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved, the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-083

Resolution of findings of advisability and Resolution authorizing construction of Lateral 329, Four Mile Creek Sewer (north of Central, west of Greenwich) 468-83395, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District Advisory Board Minutes- October 1, 2001; November 5, 2001, December 3, 2001
District II Advisory Board Minutes – October 16, 2001
District Advisory Board District IV – November 7, 2001
District VI Advisory Board Minutes – December 3, 2001
Wichita Sedgwick County Board of Health – November 8, 2001, December 13, 2001
Metropolitan Area Planning Commission Minutes – November 15, 2001, December 6, 2001
Housing Advisory Board Meeting – November 20, 2001
Police & Fire Retirement System Regular Board Meeting Minutes – November 28, 2001
Wichita Employees Retirement System Reg. Board Meeting Min. – November 28, 2001
Wichita Airport Advisory Board Minutes – December 3, 2001
Board of Code Standards and Appeals Minutes – December 3, 2001
Board Of Park Commissioners Regular Meeting – December 10, 2001
Minutes Of Meeting of Board of Electrical Appeals – December 11, 2001
Design Council First Floor Meeting Room - City Arts- Minutes – December 20, 2001
Regular Meeting of the Library Board of Directors Minutes – December 18, 2001

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Housing Advisory Board Meeting Minutes – January 15, 2002

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated January 17, 2002 from Unified School District No. 259, Sedgwick County, Kansas, for a tract of land in Lot 249, Hyde and Ferrell's Addition, Wichita, Sedgwick County, Kansas (Private Project). No cost to City.
- b) Easement Agreement dated January 14, 2002 from Slawson Commercial Development Company, a Kansas Corporation for a tract of land in Lot 1, Block 1, E.E. Jabes 2nd Addition to Wichita, Sedgwick County, Kansas (21st & Rock, OCA #706829). No cost to City.
- c) Sanitary Sewer Easement dated January 14, 2002 from Mary Agnes Morley & Mary Francis Holzman, Trustees of Mary Agnes Morley Living Trust, Cletus J. Morley Estate for a tract of land in Section 26, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (FMC Equestrian, OCA #743896). No cost to City.
- d) Utility Easement dated January 8, 2002 from Mark A. Miller and Loretta K. Miller for a tract of land in Lot 272 and the vacated alley to the east, all located in Riverside Addition, an addition to Wichita, Sedgwick County, Kansas (48" Raw Waterline, OCA #633712). No cost to City.
- e) Sanitary Sewer Easement dated January 4, 2002 from Pleasant Valley Church of Christ for a tract of land in Lot 12, Russell Tracts, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- f) Sanitary Sewer Easement dated January 4, 2002 from The Spiritual Assembly of the Bahai's of Wichita for a tract of land in Lot 1, Baha'i Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- g) Utility Easement dated December 27, 2001 from Westlink Christian Church, a Kansas Corporation for a tract of land in Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- h) Utility Easement dated December 10, 2001 from Laham Holding Company, L.L.C., a Kansas Limited Liability Company and East Pointe Development, L.L.C., a Kansas Limited Liability Company for a tract of land in Lot 4, Block 1, Legacy Park Wilson Estates Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607853). No cost to City.
- i) Utility Easement dated December 10, 2001 from Laham Holding Company, L.L.C., a Kansas Limited Liability Company and Legacy Park Group, L.L.C., a Kansas Limited Liability Company for a tract of land in Lot 1, Block 1, Legacy Park Wilson Estates Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607853). No cost to City.
- j) Utility Easement dated December 13, 2001 from Norris E. Enterprises, L.L.C., a Kansas Limited Liability Company for a tract of land in Lot 1, Block 1, Legacy Park Wilson Estates Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607853). No cost to City.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized
Motion carried 7 to 0.

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WEAPONS

WEAPONS DESTRUCTION:

Agenda Report No. 02-0098

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. The list of weapons being destroyed includes a total of 97 handguns and 46 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

There are no financial considerations.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that list of weapons be received and filed. Motion carried 7 to 0.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED - 2001:

The following claims were approved for payment by the Law Department during the month of December, 2001.

<u>Name of Claimant</u>	<u>Amount</u>
Allen, Brad	\$1,000.00**
Gee, Mitchell	\$57.30
Kansas Gas Service	\$453.81
Kansas Gas Service	\$573.06**
Kansas Gas Service	\$248.87**
Kansas Gas Service	\$308.77**
Kansas Gas Service	\$357.22**
Kansas Gas Service	\$1,065.49**
Kansas Gas Service	\$258.51**
Kansas Gas Service	\$437.48**
Kansas Gas Service	\$1,394.03**
Kansas Gas Service	\$1,013.37**
Kansas Gas Service	\$845.17**
King, Helen	\$262.62
Newcomber & Associates	\$5,326.94
Ovalle, Tanisha (Villa Del Mar)	\$72.00
Rondholz, Frederick W.	\$1,482.61
Runyon, Sally	\$183.00**
Smith, Christy	\$84.72
Workman, Timothy A.	\$250.00
Young, LaTonya (Villa Del Mar)	\$100.00**
Young, LaTonya (Villa Del Mar)	\$47.94**

** Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

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LEGAL SERVICES

AMENDMENT TO AGREEMENT WITH EDWARD J. HEATH JR FOR LEGAL SERVICES-WORKER'S COMPENSATION CLAIMS.

Agenda Report No. 02-0099

The City has retained Edward J. Heath, Jr. to provide legal services in connection with Workers Compensation claims, litigation, and related assignments.

The original contract was entered into in November 1996. It has been supplemented twice to provide additional sums to continue the representation of the City on these issues. This fourth amendment to the original contract extends the term of the contract through December 31, 2002.

This supplemental agreement provides authority for an additional \$60,000.00. The charges are reasonable in amount for the legal services involved. Payment will be from the Workers Compensation fund.

The appropriate means to approve the additional payment is an Amendment to the original contract, raising the expenditure limit and extending the time for the services to be provided. The City Attorney's office has prepared the Amendment.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DERBY WATER MAIN SOUTHEAST TRANSMISSION MAIN - SUPPLEMENTAL AGREEMENT NO 1..

Agenda Report No. 02-0100

On June 5, 2001, the City Council approved the Wholesale Water Sales Agreement to provide water to the City of Derby. The project will supply water to Derby, as well as reinforce the southeast portion of the City's water system. City Council approved an agreement with Mid-Kansas Engineering Consultants (MKEC) on September 11, 2001, to provide engineering services for the first phase that included routing and main sizing for the Southeast Transmission Main.

The first phase of the Southeast Transmission Main has been completed and we are now ready for the project design. Staff has requested MKEC to provide the Supplemental Agreement.

Southeast Transmission Main (CIP W-884) has funding available of \$5.7 Million. The Supplemental Agreement is in the amount of \$402,500.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHILD CARE ASSN.

CHILD CARE ASSOCIATION OF WICHITA/SEDGWICK COUNTY - CONTRACT AND LEASE.

Agenda Report No. 02-0101

In January 2001, the City initiated a Request for Proposal (RFP) to seek interested parties for the use, administration and operation of the City Arts & Crafts Center facility located at 25th and Arkansas. On March 27, 2001 the City Council approved the Wichita Public Library – Head Start proposal. The Wichita Public Library will use two-thirds of the facility for a new North Branch Library. Head Start classrooms and programs will occupy the remaining one-third of the facility.

Head Start will provide funds for the renovation costs of the Head Start portion of the facility. Head Start funds will be used to install plumbing, heating and air-conditioning, walls, ceiling and other fixtures necessary for operation of the Head Start program. Architecture fees and fencing for the playground will also be paid by Head Start. The contract term is February 5, 2002 to December 31,

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2002. A ten-year lease between the City and the Child Care Association of Wichita/Sedgwick County will become effective upon completion of the renovation.

The Child Care Association of Wichita/Sedgwick County will provide up to \$223,503 to pay the full renovation cost using a grant received from the U.S. Department of Health and Human Services. Head Start funds will be deposited with the City before construction bids are let. The Public Works Department will oversee the construction process. No rent will be paid for the first five years. Head Start has agreed to pay rent in the amount of \$30,000 for years six through ten of the lease with an escalator provision. Head Start will pay \$10,860 per year for their prorata share of common area maintenance. If Head Start's share of common area maintenance costs exceeds \$10,860 per year, Head Start will pay the difference to the City. If their share of annual common area maintenance costs are less than \$10,860 per year, the difference will be remitted to Head Start.

A contract and lease has been negotiated with the Child Care Association of Wichita/Sedgwick County and signed by authorized representative.

Motion --
-- carried

Knight moved that the Contract and Lease be approved and the City Manager be authorized to execute the documents. Motion carried 7 to 0.

LEGAL SERVICES

LEGAL SERVICES AGREEMENT AMENDMENT - CIVIL RIGHTS AND PERSONAL INJURY CASES.

Agenda Report No. 02-0102

The city retained the law firm of McDonald, Tinker, Skaer, Quinn and Herrington, P.A. to provide legal services for the city in civil rights and personal injury cases involving police litigation.

The current agreement and amendment provided for compensation not to exceed \$35,500. It has become necessary to spend additional sums to continue the representation of the city in five pending cases. This will be the second amendment to the agreement.

Funding up to \$25,500, for this agreement amendment is from the Tort Claims Fund.

The Law Department recommends acceptance of the agreement amendment. The additional sums are necessary for the continued representation in existing cases and is reasonable in amount. The Amendment to the Agreement has been prepared and approved as to form by the Department of Law.

Motion --
--carried

Knight moved that Agreement authorizing payment of up to \$25,500 to provide additional legal services, together with any necessary fund transfers be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

(Addendum No. 24e)

ASSESSMENT STUDY UTILITY INFRASTRUCTURE PROTECTION AND RELIABILITY.

Agenda Report 02-0148.

The tragic events of September 11, 2001, created an immediate need to assess the vulnerability of critical water and wastewater infrastructure. Since September 11, Staff have worked diligently to build upon previously established emergency procedures and vulnerability assessments, and have identified several areas in the systems that need more security. On January 8, 2002, the City Council approved a project to further study the vulnerability and risks of the Water & Sewer Department.

Five proposals were received in response to a Request for Proposals (RFP) issued through the Purchasing division of the Finance Department. A Staff Screening and Selection Committee reviewed the proposals and selected three firms for interviews. On January 29, 2002, the committee interviewed Black & Veatch, Brown & Caldwell, and HDR. On the basis of their proposals and interviews, the committee voted unanimously to select HDR to perform the Facilities Assessment Study.

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The study will include the following functions:

- Perform investigations
- Analyze alternatives
- Conduct workshops
- Produce technical memorandums
- Submit final report with recommendations for immediate and ongoing security measures

HDR will be required to maintain a continued level of confidentiality regarding all security issues at Water & Sewer facilities. Any recommendations that are a result of the study will require approval by City Council before being implemented.

The cost of study phase services, as described in the proposed Contract, will not exceed \$160,000. On January 8, 2002, the City Council reallocated \$1,000,000 to CIP W-903 for Water System Security Improvements and \$400,000 to CIP S-542 for Sewer System Security Improvements from unexpended CIP projects that were completed under budget in 2001. Funding for this project is available in W-903 and S-542.

Motion --
-- carried

Knight moved that the Facilities Assessment Study Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

IMPROVEMENTS

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING - AUBURN HILLS 13TH ADDITION, WEST OF 135TH STREET WEST, SOUTH OF MAPLE. (District V)

Agenda Report No. 02-0103

The City Council approved the project on August 14, 2001. On January 8, 2002, the City approved an Agreement with Baughman Company to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Auburn Hills 13th Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$26,600 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KDOT

CONSTRUCTION ENGINEERING AGREEMENT - 21ST STREET NORTH FROM MAIZE ROAD TO 119TH STREET. (District V)

Agenda Report No. 02-0104

The Capital Improvement Program includes a project for widening and reconstructing 21st Street North from Maize Road to 119th Street West (MS-200003). The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On March 6, 2001, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Additional lanes will be needed to handle increased traffic and development in the area. Construction is expected to begin this spring.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$177,007.99.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

CONSTRUCTION ENGINEERING AGREEMENT - 21ST STREET NORTH FROM HILLSIDE TO OLIVER. (District I)

Agenda Report No. 02-0105

The Capital Improvement Program includes a project for widening 21st Street North from east of Hillside to Oliver (MS-200001). The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On March 6, 2001, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Exiting and future traffic volumes warrant widening this section of 21st Street North to provide for two through lanes in each direction plus a two-way center left turn lane.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$98,608.52.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

CONSTRUCTION ENGINEERING AGREEMENT - MAPLE FROM 119TH STREET WEST TO 135TH STREET WEST. (District V)

Agenda Report No. 02-0106

The Capital Improvement Program includes a project for reconstructing and widening Maple from 119th Street West to 135th Street West (MS-201006). The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On March 6, 2001, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

This area is experiencing rapid growth and development which is expected to continue in an even faster pace with the development of the new municipal golf course in this area.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$240,801.92.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

ENG. SERVICES

SUPPLEMENTAL AGREEMENT FOR ENGINEERING SERVICES - MAPLE FROM MAIZE TO 135TH STREET WEST. (District V)

Agenda Report No. 02-0107

On February 9, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for the design of Maple from Maize to 135th Street West. The fee was \$156,000. On October 12, 1999, the City Council approved Supplemental Agreement No. 1, which required SRB to design minor relocations of a sixteen-inch water line in Maple between Maize and 119th Street West. The fee was \$3,500. On June 27, 2000, the City Council approved Supplemental Agreement No. 2, which required SRB to design a new bridge on Maple between 135th Street West to 119th Street West. The fee was \$43,605. On December 12, 2000, the City Council approved Supplemental Agreement No. 3, which required SRB to provide construction engineering services for the landscaping on Maple from Maize to

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119th Street West. The fee was \$3,100. On January 23, 2001, the City Council approved Supplemental Agreement No. 4, which required SRB to design a 24" water line in Maple between 135th Street West to 119th Street West. The fee was \$25,600. On June 19, 2001, the City Council approved Supplemental Agreement No. 5, which required SRB to provide construction engineering services for the landscaping (Phase 3-sodding) on Maple from Maize to 119th Street West.

The proposed Supplemental Agreement between the City and SRB provides for additional design work to include the intersection at 135th Street West and expanded area west due to recent developments in this area, and subsequent additional Kansas Department of Transportation review.

Payment will be on a lump sum basis of \$16,280 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES AGREEMENT - EAGLES LANDING AND KOCH PROPERTIES, OLIVER FROM 37TH STREET NORTH TO ½ MILE NORTH.** (District I)

Agenda Report No. 02-0108

The City Council approved the project on November 14, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Eagles Landing and The Koch Properties. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$99,300, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **SUPPLEMENTAL AGREEMENT FOR 29TH STREET NORTH FROM ROCK ROAD TO WEBB ROAD.** (Districts I and II)

Agenda Report No. 02-0109

On March 27, 2001, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to 29th Street North from Rock Road to Webb Road. The fee was \$92,000.

MKEC has been asked to add a right turn lane on Rock Road, south of 29th Street North and extend the left turn lane on 29th Street, west of Rock Road. Supplemental Agreement No. 1 has been prepared.

Payment will be on a lump sum basis of \$8,000 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CENTRAL/HILLSIDE **INTERSECTION OF CENTRAL AND HILLSIDE.** (Districts I and II) (This Item was pulled from the Agenda)

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BUDGET

2001 YEAR-END BUDGET ADJUSTMENTS – WATER AND SEWER UTILITY.

Agenda Report No. 01-0111

At the close of each fiscal year, delinquent water and sewer accounts receivable deemed uncollectible are recorded as bad debt expenses to the Water and Sewer Utilities, in accordance with generally accepted accounting principles.

Final expenditures have been posted to the 2001 budgets. Budget adjustments are needed to record bad debt expenses. Since the adjustments are larger than currently available contractual authority, funding needs to be transferred into the Water and Sewer Utilities contractual accounts. The transfers will be done within the existing total budget authority for the Utilities, thus the transfers will not change the bottom-line 2001 budget allocations for the Utilities.

The requested adjustments move \$505,000 into the Water Administration contractuals budget and \$167,000 into the Sewer Administration contractuals budget. Funding is available for the transfers due to under-expenditures in the adjusted Water Distribution, Customer Service, and Sewage Treatment budgets.

Budget adjustments over \$10,000 require City Council approval.

Motion -- carried

Knight moved that the budget be approved. Motion carried 7 to 0.

HOMELESS POP.

HOMELESS DATABASE SYSTEM.

Agenda Report No. 02-0112

For several years, the homeless provider community, in conjunction with the United Way has sought to improve the availability of accurate data on the homeless population in the Wichita area. In 1999, a database was implemented which collected basic demographic information from several shelters. The database includes only information on those who actually stay at a shelter for at least one night.

While this information is useful and has enabled unduplicated counts of those who seek shelter, it is very limited, since it does not include those who do not stay in a shelter, and does not include the other services or service providers in the community.

In 2001, Congress mandated that all communities receiving HUD homeless funding would have to have a Homeless Management Information System (HMIS) in place within three years. At the same time, the cost of implementing an HMIS was made an eligible cost under the Homeless SuperNOFA. The Wichita- Sedgwick County community included a proposal in its SuperNOFA application to fund a HMIS, and the proposal was funded.

United Way of the Plains will implement and operate the HMIS for the Wichita-Sedgwick County community. In addition to the purchase of HMIS software, the project will fund hardware and support services to purchase and install the file server, PCs for the service providers, networking and the salary for the HMIS administrator for three years.

The primary objectives for implementing the HMIS are to improve client services through better information collection, enhancing service program management, and providing accurate data to support advocacy and policy-making activities. By collecting uniform client information, the clients, service providers, funders and policy makers will have a clearer picture of homeless needs as well as existing community assets.

The HMIS will immediately improve the intake and assessment process by allowing clients to share their information among providers. Once this is well in place, the HMIS will be expanded to address coordinated case management and streamline referrals.

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While the HUD funding will cover most of the cost of implementing this project, there is a matching requirement for the local community. The grant from HUD is a three-year grant and the local match for the three years of the project totals \$74,220. Sedgwick County has committed \$50,000, leaving a need for \$24,220. The United Way has committed support valued at \$66,137. The local match would be used for up front hardware and software costs, which would be disbursed within the next 12 months.

A committee has been engaged for several months evaluating several HUD recommended software systems to select a package that will best suit the needs of this community.

The cash match required for the grant totals \$74,220, of which the City of Wichita has been requested to provide \$24,220. The City has a previous allocation of CDBG funding for the homeless database which will cover this matching program

Congress has mandated implementation of a Homeless Management Information System within three years for communities that receive SuperNOFA funding. In 2001, the Wichita-Sedgwick County community was awarded almost \$2 million, not including HMIS funding, under the SuperNOFA.

Motion -- carried

Knight moved that local match funding be approved. Motion carried 7 to 0.

JUDGMENT

PAYMENT OF JUDGMENT AND TRANSFER OF FUNDS - BIGS ET. AL.

Agenda Report No. 02-0113

Plaintiffs filed a class action against the City of Wichita seeking recovery of club and drinking establishment licensing fees that exceeded the amounts allowed by the state statutes for such licenses. On January 24, 2002, the Sedgwick County District court entered judgment in favor of the plaintiffs in the amount of \$445,817.30.

Previously \$341,700 was set aside for the payment of the judgment. It is necessary to transfer \$104,117.30 from the tort claims fund in order to satisfy the judgment.

The additional sum required to be transferred from the tort claims fund may require additional funding in the future from another source to replace amount expended from the tort claims fund.

Motion --
-- carried

Knight moved that payment of the judgment be approved and transfer of funds from the tort claims fund to pay the judgment entered by the court be authorized. Motion carried 7 to 0.

BUSINESS SURVEY

BUSINESS LABOR MARKET SURVEY

Agenda Report No. 02-0114

The Workforce Investment Act (WIA) provides federal funds to enable local areas to develop unified workforce development systems. The Workforce Alliance of South Central Kansas (WA) is the local board that provides policy direction for this area. The City of Wichita is designated as the local fiscal agent for the WIA funds.

To ensure that the workforce system is responsive to the local labor market, the WIA allows for the expenditure of funds for the conduct of labor market surveys. The WA authorized the use of \$165,000 of the local WIA allocation to fund a Business Labor Market Survey Request for Proposals (RFP). The City's Purchasing Office issued the RFP on December 21, 2001 and two proposals were submitted in response to the offering.

The two proposals were evaluated and ranked by a Selection Committee appointed by the WA. After receiving the Selection Committee's report, the WA recommended that the ERISS Corporation proposal be accepted as the one most responsive to the RFP.

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The ERISS Corporation is located in Poway, California and has ten years experience in workforce data collection. Since 1996 the company has conducted surveys in over 200 counties, contacting over one million employers. The ERISS Corporation is currently involved in workforce development and economic development projects in Florida, California, and Texas.

The ERISS Corporation proposes to conduct a Business Labor Market Survey targeted to employers with five or more employees in Butler, Cowley, Harper, Harvey, Kingman, Reno, Sedgwick, and Sumner Counties (estimated 9,027 total employers.) The survey response rate is estimated at 30% with over 3,000 completed surveys expected. Their proposal includes pre-survey outreach and marketing to maximize the response rate and to encourage employer use of the data, which will be available on the WA website.

Survey questions will include:

- Current, local job openings;
- Expected hiring needs and preferences, three and twelve months out;
- Related qualifications and requirements;
- Degree of difficulty in finding qualified applicants;
- Occupational certification requirements;
- Hiring methods by occupation;
- Salaries and benefits by occupation;
- Projected growth and demand at industry and occupation level;
- Turnover and hiring difficulty at industry and occupation level;
- Short term hiring trends; and
- Potential layoffs

Survey data will be available on a local Workforce Alliance website, with the design and maintenance of the website to be included in any contract issued for the project. The website will include special sections with local, current labor market information for employers, job seekers, and economic development interests.

If the Council approves the ERISS Corporation as the survey provider, the survey and report design will be completed with input provided by WA and economic development representatives.

The total budget for a contract issued for the project is \$165,000. WIA funds will be used to pay contract costs and the contract will obligate no general fund monies.

The Department of Law will approve as to form the contract issued for the project prior to contract signatures.

Motion --
-- carried

Knight moved that the ERISS Corporation be approved as the Business Labor Market Survey provider; and the City Manager be authorized to initiate and sign a contract for the project. Motion carried 7 to 0.

AIRTECHNICS IRB

AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS – AIRTECHNICS, INC. (District II)

Agenda Report No. 02-0115

On May 1, 2001, City Council approved the issuance IRBs in the amount of \$4.3 million for Airtechnics, Inc., a manufacturer and distributor of electronic components for the aircraft industry. The City Council also approved a 100% tax exemption for a term of five years, plus an additional five years subject to City Council review. Bond proceeds were used to finance the construction of a new manufacturing, warehouse, administrative, and sales facility and the acquisition of equipment and furniture. The new facility is located at 3851 N. Webb Road. The bonds were in two separate series, for the equipment (Series I) and real estate (Series II) portions of the project. Airtechnics is requesting amendments to the Ordinances and other bond documents to restructure debt service payments in accordance with the lower interest rates agreed to between the IRB Tenants and Bondholders.

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Since the date on which the IRBs were initially issued, interest rates have declined substantially. Airtechnics wishes to restructure the bonds to obtain lower interest rates, and the institutional lenders that hold the Bonds have agreed to consent to the restructuring. To accomplish this, certain terms of the bond documents must be amended by means of an Ordinance.

There is no financial impact to the City as a result of the amendment.

Motion --

Knight moved that the document amendments needed to restructure the debt services payments for each series in accordance with lower interest rates be approved; and the Ordinances be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the city of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a First Amendment of a Certain Real Estate Trust Indenture by and between the City of Wichita, Kansas, as issuer, and Intrust Bank, N.A., a National Banking Association, Wichita, Kansas, as trustee introduced and under the rules laid over.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a first amendment of a Certain Equipment Trust Indenture by and between the City of Wichita, Kansas, as Issuer, and Intrust Bank, N.A., a National Banking association, Wichita, Kansas, as trustee, introduced and under the rules laid over.

PRES. MANOR IRB

SUBLEASE – INDUSTRIAL REVENUE BONDS – PRESBYTERIAN MANORS, INC.

Agenda Report No. 02-0116

The City of Wichita has issued various series of Health Care Facilities Refunding Revenue Bonds to Presbyterian Manors, Inc. ("PMI") for the purpose of refinancing and restructuring of debt at several of its health care facilities located throughout the state of Kansas. One of those facilities is Hutchinson Heights, a developmentally disabled care facility, located in Hutchinson, Kansas. Recently, PMI has transferred operation of its program at Hutchinson Heights to Disability Supports of the Great Plains ("DSGP"). PMI now wishes to sublease the facility to DSGP.

DSGP is a 501(c)(3) exempt organization based in McPherson, Kansas. DSGP is a regional provider of developmental disability support services, which after completion of this transfer will be serving over 179 individuals in four counties.

Pursuant to the terms of Section 9.1 of the Lease, Presbyterian Manor has requested the City's consent to the sublease of the Hutchinson Heights Facility to (DSGP). Because of the IRB financing, the City, rather than Presbyterian Manor, has title to the facilities and must therefore formally authorize and consent to the sublease. Intrust Bank, N.A., as Bond Trustee, has consented to such sublease.

There is no financial impact to the City resulting from the requested change.

Bond Counsel will provide an opinion that the execution and delivery of the Sublease will not affect the status of interest on the outstanding bonds for federal income tax purposes.

Motion --

Knight moved that the Resolution authorizing consent to the sublease of the Hutchinson Heights Facility to Disability Supports of the Great Plains be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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RESOLUTION NO. 02-084

A Resolution authorizing the City of Wichita, Kansas to consent to the sublease of certain facilities financed or refinanced with the proceeds of its Health Care Facilities Refunding Revenue Bonds, Series VIII-A, 2001, Series VIII-B, 2001 and Series VIII-C, 2001 (Presbyterian Manors, Inc.) in the aggregate principal amount of \$20,725,000, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RIVERSIDE IRB

INDUSTRIAL REVENUE BONDS – RIVERSIDE HEALTH SYSTEMS, INC. (District VI)

Agenda Report No. 02-0117

In April 1997, the City Council approved the issuance of \$23,270,000 Hospital Facilities Improvement and Refunding Revenue Bonds to Riverside Health System, Inc. to finance the construction of the family practice clinics and a portion of the retirement community and to refinance outstanding debt on the hospital. City Council also approved the subsequent issuance of \$3,600,000 of Hospital Facilities Improvement Revenue Bonds in August of 1999. In the Lease covering the 1997 and 1999 projects, there were provisions for the Tenant to acquire further parcels, designated in the Lease, to be added to the pledged Trust Estate in the future, following their acquisition. In the property descriptions incorporated in the 1999 Assignment of First Supplemental Lease and Notice of First Supplemental Lease, all of the possible future parcels were mistakenly included, creating a potential cloud on the titles of those parcels. In 2001, after Via Christi Riverside Medical Center (Via Christi Riverside) was formed and took the Tenant's interest under the Lease by assignment, Via Christi Riverside discovered the errors in the 1999 filings and asked that the same be corrected to prevent problems arising with neighboring landowners.

To resolve potential title problems, it is necessary and appropriate to execute and deliver amended documents which are corrected to remove from the legal descriptions those parcels that were never acquired by Riverside Health System, Inc. or Via Christi Riverside. The 1999 documents which require correction are the Notice of First Supplemental Lease and the Assignment of First Supplemental Lease, which are the only two recorded documents that improperly included the potential future parcels in their legal descriptions.

There is no financial impact to the City resulting from the requested change.

Motion --

Knight moved that the Resolution authorizing the Amended and Corrected Notice of Lease and the Amended and Corrected Assignment of Lease be approved; and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

RESOLUTION NO. 02-085

A Resolution authorizing the City of Wichita, Kansas to amend the notice of lease and assignment of lease executed in connection with its Hospital Facilities Improvement Revenue Bonds, Series IV, 1999 (Riverside Health System, Inc.) in the aggregate principal amount of \$3,600,000. presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

KECHI

SANITARY SEWER SERVICE FOR CITY OF KECHI.

Agenda Report No. 02-0118

On March 27, 2001, the City Council approved the Contract to provide sanitary sewer service to the town of Kechi. Having been approached by Bel Aire and Park City to participate in building a wastewater treatment plant that would be operated by a private business, Kechi expressed preference to contracting with Wichita for sewage treatment.

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The sanitary sewer for Kechi would additionally serve the area roughly bound by Hillside on the west, 77th Street North on the north, ¼ mile east of Rock Road on the east, and 61st Street North and 53rd Street North on the south. It is anticipated that an 18" gravity sewer line would be constructed from approximately 37th Street North and Hillside to 53rd Street North at the middle fork of Chisholm Creek, at which point it would connect to Kechi's line. A study will be conducted to verify the sewer line size and route.

Capital Improvement Project, Kechi Sewer Line (CIP # S-539) is budgeted for \$2,000,000 and will be funded from Sewer Utility revenues and reserves and/or a future bond issue. Kechi is under contract to pay the Sewer Utility \$400,000 for its share of the project cost and up to \$800,000 may be assessed to properties served by the sewer main. Revenues are estimated to be \$50,000 in 2003, and will increase annually. Projections show that the line will pay for itself by 2011. It is anticipated the sewer project will have little impact on the utility's debt service coverage ratio, or cash flow. No rate increase would be needed.

Motion --
-- carried

Knight moved that the expenditure for the project be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-086

A Resolution declaring it necessary to construct, reconstruct, alter, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which not exceed \$1.6 Million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STORMWATER

INFLOW AND INFILTRATION SUPPLEMENTAL AGREEMENT.

Agenda Report 02-0119

Inflow and Infiltration (I&I) of stormwater and groundwater into the City sanitary sewer system has resulted in sewer backups into basements, overloaded sewer lines, and high treatment costs. On January 6, 1998, the City Council approved funding for an I&I Removal Program to aid in the elimination of I&I sources. On July 11, 2000, City Council approved the Stockyards area, on 21st Street between Broadway and Washington, as being a project meeting the criteria of the program. George Butler & Associates (GBA) was awarded a Contract for the design of removal of I&I in the Stockyards area.

GBA finalized plans for the Stockyards sewer improvements. Since then, the site was chosen for Day Reporting Center and is located in the Stockyards area. The existing building will be reconstructed and enlarged, which poses a conflict with the proposed sewer layout. Additionally, the City has agreed with the property owner to modify the sewer layout so that his land is less restricted by easements. GBA was asked to prepare a proposal to modify the plans to accommodate the Day Reporting Center building and the owner of the property. To ensure that the project would not hold up the progress of the Day Reporting Center, the City Manager authorized GBA to proceed with the plan revisions on January 14, 2002.

Funding for Supplemental Agreement No. 3 will not exceed \$3,330. Inflow/Infiltration Removal Program (CIP S-338) has a budget of \$500,000. The project will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion --
-- carried

Knight moved that City Manager's authorization to proceed with the project be affirmed, the Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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LAWRENCE DUMONT LAWRENCE DUMONT STADIUM MODIFICATIONS. (District IV)

Agenda Report No. 02-0120

The City Council previously approved a contract with Western Waterproofing Co., Inc. to construct improvements and modifications to Lawrence-Dumont Stadium (LDS). The improvements/modifications included new box seating for the lower grandstands, ADA wheel chair lift, new concrete topping for the complete stadium, new floor topping in the rest rooms and umpire shower, new toilet partitions, new expansion joint material, and miscellaneous concrete repairs throughout the stadium.

The additional modifications requested through this Change Order will provide for epoxy injection and caulking to repair deteriorated pre-cast columns and concrete repair to areas of the stadium where the concrete has spalled.

The contractor will also replace at no cost the concrete topping since it failed within the warranty period. The upper grandstand expansion joints have been replaced three times under warranty. Testing the movement of the stadium to determine why the expansion joints were failing showed the movement to be greater than anticipated. The contractor as part of this Change Order will replace the upper grandstand expansion joints with an improved material and application to withstand the greater movement. The cost to replace the expansion joints includes a credit for work done as part of the original Contract.

The Change Order amount of \$44,265.00 will be funded from the previously approved Capital Improvement Project (CIP) for Lawrence-Dumont Stadium with a total budget of \$3,707,000. Total expenditures and encumbrances to date total \$3,150,012.20 (Includes Change Order). The project has a un-encumbered balance of \$556,987.80.

The Change Order amount is within 25% of the construction Contract cost limit set by City council policy. Change Orders over \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

FOUR MILE CREEK FOUR MILE CREEK COLLECTION SYSTEM IMPROVEMENTS. (District II)

Agenda Report No. 02-0121

On March 6, 2001, City Council approved the acquisition of the Sedgwick County Sewer District, including the Four Mile Creek sewer facilities. Projected financial needs and future projects associated with the acquisition were reviewed with the City Council at the time of the purchase, with the understanding that Staff would return to the City Council with specific improvements.

Four Mile Creek Collection System Improvements (CIP #S-538) has a budget of \$2,000,000 for 2002, and will be funded from Sewer Utility revenues and reserves and/or a future revenue bond issue.

Motion --
-- carried

Knight moved that the expenditures for 2002 be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-087

A Resolution declaring it necessary to construct, reconstruct, alter, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which not exceed \$2,000,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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SEWER RECONSTR. WAR INDUSTRIES SEWER RECONSTRUCTION.

Agenda Report No. 02-0122

On January 28, 1997, the City Council authorized the design and construction of a Wet Weather Holding Facility on the War Industries Sewer. Professional Engineering Consultants (PEC) was selected to design the facility. In the course of their design, PEC found that if additional sewers were constructed, sewer backup problems and future growth capacity issues would be resolved. The design of the sewer was approved and the project moved forward. Phases I, II, and III of the installation have been completed. The final phase is ready to begin.

It is necessary to continue the design and construction of the sewer. Completion of the sewer design and construction of the final phase will resolve backup problems in the southeast section of the City and allow growth in the northeast to continue.

The total budget for the War Industries Sewer Reconstruction (S-315) is \$14.7 million and has already been approved by the City Council. Phase IV, the final phase, is estimated to cost \$3.5 million, which is available in the budget from the overall project (\$2 million), and in the budget for Phases I&II (\$1.5 million) that cost less than their original estimates.

Motion --
-- carried

Knight moved that the budget transfer and expenditures be authorized and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-088

A Resolution declaring it necessary to construct, reconstruct, alter, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which not exceed \$3.5 Million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SKATE PARK SKATE PARK BONDING RESOLUTION.

Agenda Report No. 02-0123

For several years, skateboard enthusiasts in Wichita have been working with City staff to identify an area where a skate park may be developed for free public use. Other cities of size comparable to Wichita have one or more such parks. Such parks exist in smaller Kansas communities such as Topeka and Junction City, and are widely used. The Topeka park draws skateboarders from many other cities in the Midwest.

The 2002 Park Capital Improvement Program (CIP) includes \$50,000 for the design and construction of a skate park. At the current time, meetings are being held with skateboard enthusiasts to develop general concept plans for the park. Concurrent with and following completion of the concept plans, the skateboarding community is/will be seeking to develop corporate and private sponsors and donors to leverage the City's \$50,000 investment and build a more comprehensive facility.

Pending final negotiations and agreements with the Kansas Department of Transportation (KDOT), the skate park is slated for installation below the Kellogg Flyover at St. Francis Street, with the park extending west from St. Francis towards Emporia. The site underneath the Flyover will provide skate park users with protection from the elements.

In the future, it is anticipated that the completed skate park will draw skateboarding and skate enthusiasts from other cities and states, bringing dollars from outside the community into Wichita. The completed park may also add a new venue to Wichita's package of River Festival events.

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The 2002 Park CIP includes \$50,000 for the design and construction of a skate park. The funding source is general obligation bonds.

Motion --
-- carried

Knight moved that initiation of the project and the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-089

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for design and construction of a skate park. (392-159), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

NARCOTIC ACTS.

NARCOTICS SEIZURE ACCOUNTS.

Agenda Report No. 02-0124

Adopt the budget for the Narcotic Seizure accounts and authorize the necessary signatures for the Federal Annual Certification Report.

Under Federal and State law, law enforcement agencies are permitted to seize assets from specified unlawful activities. After seizing assets, law enforcement agencies file a case for forfeiture in Federal or State court. If the court rules that the assets are proceeds from specified unlawful activity, then the assets are forfeited to the law enforcement agency. For the City of Wichita, forfeited assets are deposited into separate Narcotic Seizure accounts to provide supplementary funding for law enforcement activities. Each year, the City is required to submit a Federal Annual Certification Report, which outlines seizure revenue and outlays for the prior year.

The budget for the Narcotic Seizure accounts are adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and State regulations require separate accounts for assets forfeited under different forfeiture programs. The Police Department recommends that the City Council adopt the 2002 Narcotic Seizure budget, which is described below in the Financial Considerations section.

As of December 31, 2001, the Narcotic Seizure accounts have funds totaling \$644,884. The Police Department recommends the following budget for 2002:

<u>Budgeted Item</u>	<u>Amount</u>
Helicopter (partial funding)	\$250,000
Local match for grants	80,000
Undercover buy money	70,000
Operations/maintenance-undercover vehicles	70,000
Law enforcement training	35,000
Undercover fleet replacements	40,000
Vehicle liability insurance	15,000
Tactical entry/safety equipment	10,000
Surveillance/undercover investigations equipment	10,000
Clandestine lab team physical examinations	15,000
Misc. police equipment	18,000
Annual audit	2,000
Contingency/fund reserve	<u>29,884</u>
	\$644,884

Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibits supplanting local funds with forfeited assets. As a prerequisite to the approval of any equitable sharing request, the City must submit the Federal Annual Certification Report within 60 days after the close of the fiscal year.

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Motion -- Knight moved that the budget for the narcotic seizure accounts be adopted, the report approved; and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

SPECIALS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for 22 paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 25, 2002.

Motion -- Knight moved that the public hearing on the Proposed Assessment Rolls be set for 9:30 a.m., Tuesday, March 19, 2002 and the notices of hearing be published. Motion carried 7 to 0.
-- carried

PERMIT FEE ADJ.

BUILDING PERMIT FEE ADJUSTMENT.

Agenda Report No. 02-1025

The Office of Central Inspection has been a self-sustaining Special Revenue Fund since 1984, and has received no funding from the General Fund since that time. The Office of Central Inspection is funded primarily through building construction permit fees, building plan review fees, and business licensing fees.

On December 12, 1995, the City Council adopted Resolution 95-950 setting forth the intent of the City Council with respect to Office of Central Inspection budget reserve levels, permit discounts, increases, and other matters pertaining to the continued operation of the Office of Central Inspection as a Special Revenue Fund.

A key component of Resolution 95-950 was the City Council's stated intent to maintain the Office of Central Inspection operating budget cash reserve at an amount equal to between 3-4 months of the annual OCI expenditure budget. Per the Resolution, permit fees will be discounted or increased as needed to maintain the 3 to 4 month target reserve level.

The Office of Central Inspection operating reserve has recently risen above the 4-month target level due to strong commercial activity, and presently stands at 4.7 months. Based on revenues since June 2001, it appears the reserve will not decrease to the 4-month maximum level without a building permit rate adjustment.

On December 20, 2001, the Central Inspection and Finance Department staffs met with the Wichita Area Builders Association (WABA) Industry Board (the Industry Board was established in response to Resolution 95-950). The budgetary issues and proposed permit fees increases were reviewed; on January 15, 2002, the Industry Board concurred that an immediate 10% building permit fee reduction should be implemented in accordance with Resolution 95-950. The Board further concurred that it would support a project to enable internet permitting.

If the 10% fee reduction is approved, the fee increases will be implemented on February 11, 2002. Any person obtaining a building permit or submitting building permit plans on or after this date will pay the reduced fee amount.

Formal City Council approval of building permit fee increases or discounts is not required by Resolution 95-950; however, because this is a budgetary matter which effects the annual City budgeting process, Council review is requested.

Maintaining a 25% premium, instead of 35%, is expected to allow a fund balance equal to 3.4 month operating expenses by 2002 year-end.

Per Resolution 95-950 a 3 to 4 month fund balance of budgeted operating expenses is to be maintained.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

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FIREFIGHTER FUND FIREFIGHTER RELIEF FUND PARTICIPATION.

Agenda Report No. 02-0126

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution will be from all fire and lightning insurance premiums collected. The certification indicates that the Wichita Fire Department is a full paid, public fire department with 367 salaried firefighters, and has fire apparatus and necessary equipment that is in serviceable condition with a value exceeding \$20,000,000.

By State Statute, two percent of the total premium on fire and lightning insurance written within the State during a calendar year goes to the Commissioner of Insurance to establish the State Firefighter's Relief Fund. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disable, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$491,767.90 in the 2000 distribution and \$468,199.92 in the 2001 distribution. The City of Wichita has had a Wichita Firemen's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years. The certification is for calendar year 2002.

The Firefighters Relief Fund was created by K.S.A. 40-1701, et seq., and K.A.R. 40-10, et seq.

There will be no expense to the City

Motion --
-- carried

Knight moved that the Declaration for Participation in the Firefighters Relief Association for 2002 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

K-96 LAKE PARK

AMENDING RESOLUTION: K-96 LAKE PARK. (District I)
(This Item was pulled from the Agenda)

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JANUARY 15, 2002)

a) Tax exemption – Excel Corporation. (District VI)

ORDINANCE NO. 45- 197

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article II, section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Excel Manufacturing, Inc., so exempted read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) Tax exemption – Eck and Eck Machine Co., Inc. (District IV)

ORDINANCE NO. 45- 198

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Eck & Eck Machine Co., Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- c) Amendments to City Code Title 18 adopting the 2000 International Building Code.

ORDINANCE NO. 45- 199

An Ordinance creating Chapters 18.05, 18.06 and Section 18.08.030; repealing Chapter 18.04, Section 18.24.040, Section 18.28.020, Section 18.28.030, and Section 18.28.040; amending Section 18.08.010, Section 18.08.020, and Section 18.12.170; and repealing the originals of said Amended Sections, all in the code of the City of Wichita, Kansas, and pertaining to the Building Codes of the City of Wichita, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Amendments to City Code Title 21 adopting the 2000 Uniform Plumbing Code.

ORDINANCE NO. 45- 200

An Ordinance amending Sections 21.04.410 and 21.04.070 and repealing the original of said Amended Sections; creating Section 21.04.090; and repealing Section 21.04.140, Section 21.04.145, Section 21.04.204, Section 21.04.205, Section 21.04.220, and Section 21.04.225, all in the Code of the City of Wichita, and pertaining to the plumbing code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) Salary Ordinance/Budget Revisions - Environmental Health, Airport Security and Public Works.

ORDINANCE NO. 45- 201

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-183, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- f) SCZ-0687 - north of Central, west side of K-96 Expressway. (District II)

ORDINANCE NO. 45- 202

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. SCZ-0687

- g) ZON 2000-55 - north of Pawnee, east side of Webb Road. (District II)

ORDINANCE NO. 45- 203

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON 2000-55

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- h) ZON 2000-22 - southwest corner of 13th Street North and Greenwich Road. (District II)

ORDINANCE NO. 45- 204

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON 2000-22

FIRST READING ORDINANCES:

- a) Building condemnations.

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

- b) Weed cutting

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

- c) Health nuisance

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.040.050 of the Code of the City of Wichita, Kansas, Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

ZON2000-00059

ZON2000-00059 - ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “MF-18” MULTI-FAMILY RESIDENTIAL AND PROTECTIVE OVERLAY DISTRICT #84, LOCATED NORTH OF 45TH STREET NORTH EAST ROCK ROAD. (District II)

Agenda Report No. 02-0128

ZON2000-00059 was approved by the City Council on January 23, 2001. The action of the City Council was to approve the zone change subject to platting within one year. The ordinance for the zone change was to be forwarded for first reading when the plat was forwarded for City Council action. Since the ordinance was not forwarded for first reading when the City Council approved the plat on January 23, 2001, the ordinance is being forwarded for first reading at this time.

Motion --
-- carried

Knight moved that the Ordinance establishing the zone changes be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2000-00059

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PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda could be considered as consensus, except Items unless the Council desired to withhold other Items.

Motion -- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

VAC2001-00043

VAC2001-00043 – VACATE BUILDING SETBACK LOCATED NORTHWEST OF 47TH STREET SOUTH/MERIDIAN INTERSECTION. (District IV)

Agenda Report No. 02-0129

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant discovered encroachment by a building into the platted 25-foot front setback during a survey. The applicant applied for vacation of the setback at the points of encroachment to clear the title on the building work.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00057

VAC2001-00057 – VACATE PLATTED UTILITY EASEMENT AND PLATTED DRAINAGE EASEMENT, NORTHEAST OF EAST CENTRAL /NORTH HILLSIDE INTERSECTION. (District I)

Agenda Report 02-0130

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

The applicant proposes to vacate a platted utility and platted drainage easement as dedicated on the Wesley Medical Center Addition, Lot 2. The applicant proposes to re-develop the property with a four-story Intensive Care Unit addition to the existing hospital.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00061

VAC2001-00061 – VACATE UTILITY EASEMENT, THIRD LOT NORTH OF PONDEROSA AND CARDINGTON, WEST SIDE OF STREET. (District V)

Agenda Report No. 02-0131

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting the vacation of a 10-foot portion of a platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12. There are no

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City or private utilities located in the easement; nor are there plans for utilities to be located in the easement. The applicant proposes to build a two-car garage on this side of the property.

Staff recommends vacating the 10-foot portion of a platted 20-foot utility easement. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00062

VAC2001-00062 – VACATE PLATTED UTILITY EASEMENT LOCATED SOUTH OF CENTRAL BETWEEN 143RD STREET EAST AND 155TH STREET EAST. (District II)

Agenda Report No. 02-0132

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration to vacate a 15-ft x 25-ft portion of a platted utility easement, located along the side yard of Lot 3, Shadybrook Farm 2nd Addition. The applicant proposes to build a swimming pool. The vacation of the 15-ft x 25-ft area will not affect existing or planned utilities.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D2000-13

S/D2000-13 – PLAT OF CHISHOLM CREEK SECOND ADDITION, NORTH OF 37TH STREET NORTH, EAST SIDE OF WOODLAWN. (District II)

Agenda Report No. 02-0133.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

A zone change (Z-3329) from MF-18, Multi-Family Residential to NR, Neighborhood Retail has been approved for this site subject to platting.

As required by the drainage plan for this site, a cross-lot drainage agreement was provided. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The cross-lot drainage agreement will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. Z-3329

SUB2000-00085

SUB2000-00085 – PLAT OF FAIRMONT ADDITION, NORTH OF 21ST STREET NORTH, WEST SIDE OF 127TH STREET EAST. (District II)

Agenda Report 02-0134

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site was recently annexed into the City. This plat is zoned SF-5, Single-Family Residential.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements. An emergency access easement and off-site cul-de-sac dedication was provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenants, emergency access easement, and off-site cul-de-sac dedication will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-090

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89659, (north of 21st Street, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-091

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89660 (north of 21st Street, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-092

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89661, (north of 21st Street, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-093

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89662, (north of 21st Street, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-094

Resolution of findings of advisability and Resolution authorizing construction of part of Main 10, Four Mile Creek Sewer (north of 21st Street, west of 127th Street East), 468-83399, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-095

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 10, Four Mile Creek Sewer (north of 21st Street, west of 127th Street East), 468-83400, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-096

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 10, Four Mile Creek Sewer (north of 21st Street, west of 127th Street East), 468-83401, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-097

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 10, Four Mile Creek Sewer (north of 21st Street, west of 127th Street East) 468-83402, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-098

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 185 (north of 21st Street, west of 127th Street East) 468-83403, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-099

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 186 (north of 21st Street, west of 127th Street East) 468-83404, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-100

Resolution of findings of advisability and Resolution authorizing improving of Boxthorn from the west line of Wawona, east to the east line of the Plat. Ayesbury from the northwest line of Lot 10, Block E, southeast, to the northeast line of Boxthorn; on Woodridge from the north line of boxthorn, north to the north line of Lot 4, Block G, on Woodridge from the south line of Boxthorn, south to the south line of the Plat, on Eagle, from the north line of Boxthorn, north to the north line of lot 11, Block G, and on Wawona from the south line of Boxthorn, south to the south line of the Plat. Davin lane from the north line of Boxthorn, north to the south line of Lot 19, Block H, on Davin Circle from the south line of Lot 19, Block H, north to the north line of lot 9, block H, on Davin Court. to serve Lots 4 through 7, block H, and on Davin ct. to serve Lots 20 through 22, Block H. Boxthorn Court. (Lots 1 through 5,Block I) from the south line of Boxthorn south to and including the cul-de-sac, on Boxthorn Court (Lots 6 through 11, Block I) from the south line of Boxthorn, south to and including the cul-de-sac, and on Ayesbury Circle, from the south line of Boxthorn, south to and including the cul-de-sac. Sidewalk constructed along both sides of Boxthorn and along one side of Eagle, Woodridge, Ayesbury, and Wawona, (north of 21st, west of 127th Street East) 472-83483, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-101

Resolution of findings of advisability and Resolution authorizing improving Boxthorn from the north line of Lot 10, Block C, south and east to the west line of Wawona, on Mainsgate from the south line of Lot 9, Block C, north to the south line of Lot 7, Block C, and on Ayesbury from the east line of Boxthorn, east to the northwest line of Lot 10, Block E. Boxthorn Court from the southwest line of Boxthorn west to and including the cul-de-sac, and on Ayesbury Court. from the northeast line of Ayesbury, northeast to and including the cul-de-sac. Sidewalk be constructed along one side of Boxthorn, Mainsgate, and Ayesbury, (north of 21st, west of 127th street east) 472-83484, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-102

Resolution of findings of advisability and Resolution authorizing improving Mainsgate from the south line of Lot 7, Block C, north and east to the east line of the plat, on Wawona, from the north line of Mainsgate, north to the north line of the plat, on Eagle from the north line of Lot 11, Block G, north to the south line of Mainsgate, on Woodridge from the north line of Lot 4, Block G, north to the south line of Mainsgate, and on Woodridge, from the north line of Mainsgate, north to the north line of the Plat. Davin Circle from the north line of Lot 9, Block H, north to and including the cul-de-sac, including the emergency access easement between Davin Circle, and Mainsgate as shown on the face of the Plat. Mainsgate Court. from the north line of Mainsgate, north to and including the cul-de-sac. Sidewalk to be constructed along one side of Mainsgate, Wawona, Eagle and Woodridge. (north of 21st, west of 127th street east) 472-83485, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-103

Resolution of findings of advisability and Resolution authorizing improving of 127th Street East from a point 590 feet north of 21st Street North, north to the major entrance of said Addition, (north of 21st Street, west of 127th Street East) 472-83488, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-00023

SUB2001-00023 – PLAT OF REGAL MOTORS ADDITION, EAST SIDE OF BROADWAY, NORTH OF 31ST STREET SOUTH. (District III)

Agenda Report No. 01-0135

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned GC, General Commercial. Sewer and water services are available. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2001-00097

SUB2001-00097 – PLAT OF WILSON FARMS THIRD ADDITION, SOUTH SIDE OF 21ST STREET NORTH, WEST OF WEBB ROAD. (District II)

Agenda Report No. 02-0136

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (14-0)

This replat is zoned SF-5, Single-Family Residential which is subject to the Wilson Estates Residential CUP (DP-201).

Petitions, all 100%, have been submitted for water and drainage improvements. A Certificate of Petitions has also been submitted. A cash guarantee has been submitted for the private streets.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

The site is within the noise impact area of Jabara Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Legal Considerations: The Certificate of Petitions, restrictive covenants and avigational easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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RESOLUTION NO. 02-104

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89657, (south of 21st Street, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-105

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 567 (south of 21st Street, west of Webb) 468-83390, City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DED2001-00040

DED2001-00040 – Dedication of Easement, South of 48th Street South, West Side of Broadway. (District IV)

Agenda Report No. 02-0137

MAPC Recommendation: Accept the dedication.

As a requirement of Lot Split No. SUB 2001-112, this dedication is being made for an off-site utility easement.

The dedication has been reviewed and approved by the Planning Commission.

There are no financial consideration identified.

The dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be approved. Motion carried 7 to 0.

ZON2001-00074

ZON2001-00074 - ZONE CHANGE FROM "LC" LIMITED COMMERCIAL TO "OW" OFFICE WAREHOUSE. GENERALLY LOCATED BETWEEN GOW AND JOANN, NORTH OF CENTRAL; 715 AND 723 NORTH GOW, AND 726 NORTH JOANN.

Agenda Report No. 02-0138

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Approve.

D.A.B. Recommendation: Approve (8-0)

The applicant requests "OW" Office Warehouse zoning on three platted lots located between Gow and Joann, north of Central. The three lots are currently zoned "LC" Limited Commercial, and are developed with one metal building on each lot. One of the buildings is occupied while the other two are vacant. One potential tenant is a sign company, which requires the ability to do limited manufacturing in order to fabricate signage. The "OW" district permits limited manufacturing as a use by right. It is the opinion of the applicant that "OW" zoning would make these properties more marketable. The "OW" district is intended to provide office and warehousing space for the building trades and similar businesses with operating characteristics that do not require highly visible locations or vehicular access required by retail or high intensity office uses.

The applicant also owns the abutting lot to the north on Gow. This property was rezoned to "OW" in 1998, it is developed with a metal building similar to those on the application area, and houses a concrete products business. North of the application area on Joan are "SF-5" zoned lots developed with

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single-family homes. South of the application area, facing Central, are three "LC" zoned lots developed with a parking area, a restaurant, and an automobile electric shop. East of the application area on Gow are "GO" zoned lots developed with apartment buildings, a vacant "SF-5" zoned lot, and an "LI" zoned lot developed with manufacturing. West of the application area on Joann is an "LC" zoned lot developed with an insurance business, and "SF-5" zoned lots developed with single-family homes.

The neighborhood character is a mix of "LC" zoned businesses, some housed in metal buildings; "SF-5" zoned homes; "GO" zoned apartments; one "LI" zoned manufacturing facility; and one "OW" zoned metal building.

The proposed zone change, from "LC" to "OW" would require conformance to all property development standards in the Unified Zoning Code, and special "OW" district regulations in the Unified Zoning Code. (e.g. maximum area devoted to display and retail sales, outdoor display and sales is restricted to within ten feet of the building, limitations on the amount of outdoor storage, and screening requirements for material stored outdoors)

This zone change request is in conformance with the Comprehensive Plan "Wichita Land Use Guide" and "Commercial Locational Guidelines"; staff recommends approval of this zone change. As the application area is currently zoned "LC," it is currently required to provide screening and deflect lighting from residential neighbors; a zone change to the "OW" district maintains the same requirements. "OW" zoning precludes some uses which could be more intensive than those uses permitted by "LC" such as night clubs, car washes, convenience stores, and indoor recreation and entertainment.

Staff received one letter from a neighbor in opposition to the zone change request; the letter expressed a concern with dropping property values if the zone change is approved. DAB 6 heard this zone change request on January 7th, 2002. DAB 6 voted 8-0 to recommend approval. MAPC heard the zone change request on January 10th, 2002; MAPC voted 10-0 to approve the zone change request. No opposition to the zone change request was presented at the MAPC hearing.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00074

ZON2001-00075

ZON2001-00075 – REQUEST FOR ZONE CHANGE TO "GC" GENERAL COMMERCIAL, AND CUP2001-00045 – AN AMENDMENT TO DP-221 TO ALLOW AUTO VEHICLE REPAIR, GENERAL, AND VEHICLE SALES ON PARCELS 1 AND 2. GENERALLY LOCATED NORTH OF HENDRYX AND EAST OF JULIA. (District V)

Agenda Report No. 02-0139

MAPC Recommendation: Approve, subject to conditions. (10-0).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to MAPD staff recommendation. (9-0).

The applicant is requesting to rezone a 3.75 acre tract from "LC" Limited Commercial to "GC" General Commercial and to amend DP-221 West Kellogg Power Center Community Unit Plan. The amendment would permit vehicle and equipment sales and vehicle repair, general, on Parcels 1 and 2 located on the northwest corner of Julia and Hendryx. It would be for the expansion of the Donovan Pontiac Cadillac

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Volkswagon car dealership, which is currently located across Hendryx, immediately south of the application area.

No other "GC" uses have been requested by the amendment, and no other changes to the general provisions of the C.U.P. were requested.

Parcels 1 and 2 are the last two parcels of DP-221 West Kellogg Power Center to be developed. A new retail building for Ebersole Lapidary Supply currently is under construction on the adjoining parcel to the east. Furniture Row occupies the next parcel to the east, which is the largest parcel in the C.U.P. Candlewood Suites is located on the parcel to the northwest of the application area.

The surrounding area to the south and west includes several major retail/commercial uses on properties zoned "GC". These include Wal-Mart, Sam's Club, Scotsman Inn, Motel 6, Denny's and Holiday Inn Airport. Kellogg is located south of the uses. The Wichita-Valley Center Floodway (the "Big Ditch") and I-235 is located to the east of the C.U.P.

The property to the north of Taft (the northern boundary of the C.U.P.) is zoned "SF-5" Single-Family and developed with single-family houses on ¼ to ½ acre lots, except for a two acre tract immediately north of the application area with a single residence and the next tract to the north which is vacant.

The application area is located under a flight approach path to the Mid-Continent Airport and is located in Area (A) of the Wichita Airport Hazard Zoning Map, which has a maximum height limit of 25 feet for any structure without requiring a permit. During the initial approval of this case, the Wichita Airport Authority indicated that the height of 35 feet was acceptable and would not create a hazard for aircraft approaching the airport, but would require a permit. This amendment does not alter the existing height requirements, but a clarification of this requirement should be added to the C.U.P. document.

The C.U.P. already requires additional landscaping and an eight-foot screening wall for service areas facing the residential district along Taft. It should be noted, however, that none of these buffering requirements protect the adjoining property to the west, Candlewood Suites, from the more intensive "GC" uses requested by this application.

At the District V Advisory Board meeting held January 7, 2002, the Board voted (9-0) to recommend approval subject to Staff recommendations. Concerns were whether there was a need for screening requirements between lots within the C.U.P. and screening of vehicles awaiting repair. The applicant stated that he intended to provide more amenities than required.

At the MAPC meeting held January 10, 2002, MAPC voted (10-0) to recommend approval subject to Staff recommendations. A neighbor in the residential area to the north of the application area expressed concerns that no direct access be allowed onto Taft and that the property be adequately screened, landscaped, and operated to avoid excess light and noise in their neighborhood.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change and C.U.P Amendment #1 be approved, subject to the recommended conditions, and the Ordinance be placed on first reading.

-- carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00075

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A02-02

A02-02 – REQUEST FOR ANNEXATION OF PROPERTY LOCATED NORTH OF 47TH STREET SOUTH, EAST OF HOOVER ROAD. (District V)

Agenda Report No. 02-0140

The City has received a request to annex approximately 42 acres of a 129-acre parcel situated north of 47th Street South and east of Hoover Road. The developer is acquiring the entire parcel in three phases and a preliminary plat for the entire 129-acre parcel has been approved by the MAPC. The developer is planning to construct 112 single-family dwellings during the first phase of development. The staging of this development phase has been planned over multiple years, with 100% of development projected to occur within four (4) years. The site does not abut the current City of Wichita limits. Therefore, the City must petition Sedgwick County to permit this “island” to be annexed. As with the acquisition, the entire annexation of this parcel will require three separate “island” annexations.

Land Use and Zoning: The annexation site is presently in agricultural production and zoned “SF-20” Single Family Residential. Land north, south, and west of the site is also in agricultural production and is zoned “SF-20” Single Family Residential. The Wichita Valley Center Floodway is located east of the site. Upon annexation, the “SF-20” Single Family Residential zoning of the subject property will convert to “SF-5” Single Family Residential.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to a 16” water main along Hoover Street. As shown in the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.), the City has scheduled the extension of water lines along Hoover and 47th Street South. However, if the final plat occurs before the CIP projects Gray’s 5th Addition will be responsible for the 8” equivalent across the property frontage at a cost of approximately \$80,000 and the City’s portion for the over-sizing would be about \$60,000. City sewer is also located at Hoover and about 1/2 mile south of MacArthur. However, the Water and Sewer Department indicates that the sewer line to the north is shallow and may be of insufficient capacity to handle further development. The Water and Sewer Department has been discussing alternatives with the developer, and the construction of a regional lift station to pump the sewage east along 47th Street across the Big Ditch to the existing sewer is a likely option. The construction of the regional lift station would allow for the elimination of possibly three smaller, existing pump stations and would be of sufficient size to serve all of the existing development currently served by the smaller stations, the proposed annexation site, the undeveloped property north and west of this site, and Prospect Park Addition. The estimated cost for the regional lift station and line extension across the Big Ditch is \$660,000 with City participation of approximately \$360,000 (future development will be asked to reimburse the City for the upfront cost).

Street System: The property proposed for annexation will have access to Hoover (two-lane arterial), which serves the area as the nearest north-south road, and 47th Street South (two-lane road), which serves the area as the nearest east-west road (dead ending at the Big Ditch). There are no plans to further improve these road segments in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.). However, the developer has guaranteed left turn lane improvements in Hoover.

Public Safety: Fire services to this site can be provided within a ten (10) to twelve (12) minute approximate response time from City Station #19 located at 600 W. MacArthur. Although new fire stations are being constructed in South Wichita, approximate response times to this site are not expected to improve. As further development occurs southwest of the City, an additional fire station may be warranted. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North. Elder.

Parks: The developer offered to dedicate to the Park Board approximately 25 acres of reserve land adjacent to the Big Ditch to be utilized as a neighborhood park. South Lakes Park, a 247-acre park, is also located approximately 2 mile southeast of the proposed annexation site.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

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Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The final plat for the property proposed for annexation has been approved by MAPC. The approximate appraised value of the property is \$7,700, resulting in an assessed value of \$886. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$28 in City annual tax revenues for the property. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$8,736,000 when development is completed, resulting in an assessed value of \$1,004,640. Assuming the current City levy remains about the same, this would roughly yield \$31,552 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-520c. Whenever the City Council deems it advisable to annex land under the provisions of this Section, it must by resolution request the Board of County Commissioners to make a finding that the annexation would further the proper growth and development of the area. The City Clerk then files a certified copy of such resolution with the Board of County Commissioners, who must, within thirty (30) days following the receipt thereof, hold a public hearing and make findings and notify the City Council of its decision, after which the City Council may annex the property by ordinance.

Motion --
-- carried

Knight moved that the annexation be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-106

A Resolution of the City of Wichita requesting that the Sedgwick County Board of County Commissioners make a finding, in accordance with K.S.A. 12-520c, That the annexation of the land described herein will not hinder nor prevent the proper growth and development of the Area or of any other City located in Sedgwick County, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (A02-02)

AIRPORT AGENDA

AIRPORT

RESOLUTION FOR ISSUANCE OF AIRPORT SPECIAL FACILITY REVENUE BONDS – CESSNA CITATION SERVICE CENTER. (District V)

Agenda Report 02-0141.

On December 18, 2001, the City Council acting as the Wichita Airport Authority, approved an incentive package for the Cessna Citation Service Center, including the issuance of Airport Special Facilities Revenue Bonds in the amount of approximately \$60 million. The next step in the bond issuance process is the adoption of a resolution relating the issuance of the bonds which provides for the publication of notices and makes a finding that project income will be sufficient to retire bonded indebtedness.

Cessna proposes to construct a 450,000 square foot service center on 150 acres of airport land located on Hoover Road north of K-42 highway at a cost of approximately \$60 million for the building only. In addition to the building costs, which will be born entirely by Cessna, the City and County have agreed to fund one-half of the cost of site work needed to prepare the site for construction and to provide access roads, parking and landscaping. The City, County and State have offered to widen Hoover Road from south of 31st Street South to Harry Street in order to accommodate the increase in employee and customer traffic. The City has to secure funding approval from the FAA for the construction of a new parallel taxiway on the east side of Runway 19 Left at Mid-Continent Airport. The total cost of the entire project is estimated at over \$100 million.

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The proposed improvements will be financed over 20 years with taxable airport special facility revenue bonds, which will be underwritten by Bank of America and reoffered to investor. The issuance of the bonds will be subject to the applicable standard conditions for the issuance of City industrial revenue bonds, including advertisement for minority contractors, review by the Art and Design Board and submission of a water conservation plan and equal opportunity employment/affirmative action plan.

Payment of the bonds will be guaranteed by Cessna's parent company, Textron. City staff has received Textron's audited financial statements for the year 2000. Based on this, Staff has determined that revenues available from the project will be sufficient to cover bond payments. Cessna agrees to pay all costs relating to issuance of the bonds.

Documents for the issuance of the Airport Special Facility revenue Bonds will be prepared by the City's Bond Counsel, Hinkle Elkouri L.L.C., and reviewed by the City Attorney's Office. The Resolution will be published three times on consecutive weeks by the City's official newspaper.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. A-02-001

A Resolution relating to the issuance of not to exceed \$60,000,000 Airport Special Facilities Revenue Bonds - Cessna Citation Service Center Project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

AIRPORT

CESSNA CITATION SERVICE CENTER AIRFIELD PAVEMENT CONSTRUCTION.

Agenda Report No. 02-0142

On December 18, 2001 the City Council approved an incentive package for the Cessna Citation Service Center and a Letter of Intent for the issuance of Airport Special Facilities Revenue Bonds in the amount of approximately \$60 million. A portion of the incentive package is to be funded by Airport revenues. The items to be funded by the Airport include one-half of the cost of site work needed to prepare the site for construction and the local match for the Federal Aviation Administration (FAA) grant that is expected to fund the construction of Taxiway "M", the new parallel taxiway on the east side of Runway 1R-19L, at Mid-Continent Airport.

Professional Engineering Consultants was selected on June 5, 2001 for design of the taxiway project and the project is anticipated to be bid for construction in March, 2002.

The taxiway project construction, construction-related services and administrative costs are estimated at \$10,400,000. Ninety percent of the expenses are anticipated to be funded by FAA grants. An FAA grant will be issued once bids are received. A bid will not be recommended for award until the grant has been approved. The ten percent taxiway matching funds will be financed by the issuance of General Obligation Bonds to be paid by airport revenues.

Motion --
-- carried

Knight moved that the project budget be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO.A-02-002

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated cost thereof; and the manner of payment of same, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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AIRPORT

HVAC IMPROVEMENTS – TERMINAL BUILDING MECHANICAL EQUIPMENT.

Agenda Report No. 02-0143

The 2002 Capital Improvements Program (CIP) provides for HVAC Improvements.

Mechanical equipment, including the domestic hot water tank and the condensation tank in the Terminal Building basement are reaching the end of their useful lives and are costly to maintain. They are in need of replacement.

The project is estimated to cost \$95,000, which will be funded with General Obligation bonds to be paid by airport revenues.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. A-02-003

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated cost thereof; and the manner of payment of same, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

AIRPORT

SUPPLEMENTAL AGREEMENT NO. 3 – FAA CONTRACT NO. DTFA09-91-L-10547.

Agenda Report No. 02-0144

In May 1999, the Wichita Airport Authority entered into an agreement with the National Oceanic and Atmospheric Administration (NOAA) to lease approximately 150 sq.ft. of space in the Federal Aviation Administration (FAA) office building located at 1801 Airport Road. The space was used to house personnel whose job responsibilities included monitoring the Automated Surface Observing System (ASOS) for the runways. The FAA has now taken over the weather observer's contract, and the responsibility for the office space as well.

The FAA is desirous of amending the contract to include this change in supervision, to relocate the office within the current facility, and to increase the size of the office space by 100 sq.ft., for a total of 250 sq.ft. This change is consistent with other changes planned for this facility.

The per square foot rate for this office space is \$21/sq.ft. The additional square footage will result in an annual revenue increase of \$2,100, for a total annual revenue of \$5,250.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

SUPPLEMENTAL AGREEMENT – AIRFIELD PAVEMENT – TAXIWAY "M."

Agenda Report 02-0145

On June 5, 2001 the City Council approved a contract with Professional Engineering Consultants to provide design services for Taxiway "M".

A supplemental agreement for additional design work has been prepared. The additional work includes the development concept for reconfiguring pavement intersections as mandated by the Federal Aviation Administration. The services also include the design for relocating a compass calibration pad.

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The total cost of the service is \$10,551. Funding is available within the project budget. The agreement is expected to be funded with ninety-percent AIP grant funds and ten-percent airport revenue.

The supplemental agreement has been approved by the Law Department and is being reviewed by the Federal Aviation Administration.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess and move to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice, contract negotiations and confidential data relating to financial affairs or trade secrets of business; and that the Council return from executive session no earlier than 11:30 a.m. Motion carried 7 to 0.
-- carried

RECESS The City Council recessed at 10:58 a.m. and reconvened at 11:30 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:30 a.m.

Pat Burnett CMC
City Clerk